IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.469 OF 1994
IN
NOTICE OF MOTION NO.3169 OF 1989
IN
SUIT NO.3649 OF 1989

1. Tukaram Raghunath Kini
as karta of Tukaram R.Kini H.U.F..,

2. Devram Raghunath Kini,
as karta of Waman R.Kini H.U.F..,
both of Bombay, Indian Inhabitant,
residing at ini House, Bhandup
village, Bhandup,Bombay 400m 078. Appellants
(original Defendant
nos. 2 & 3.)

versus

1 a). Pravin Bharatsingh Thakur,
1 b). Sharad Bharatsingh Thakur,
1 c). Rita Bharatsingh Thakur,
1 d). Nirmaladevi Vedprakash Thakur,
1 e). Nilima Vedprakash Thakur,
1 f). Neha Vedprakash Thakur and

all of Bombay, Indian Inhabitants,
residing at Sharad Villa,
J.M.Road, Bhandup,
Bombay 400 078.

2. Mithailal Dalsangar Singh
carry on business at
Rashtriya Dairy Farm,
Bhadkamkar Marg, Matunga(E),
Bombay 400 019.

3. Smt.Nirmala R. Mishra of
B/25, Hit Niketan
Co-operative Housing Society
Ltd., S.P.S.Marg, Bhandup,
Bombayu 400 078.

4. Janabai Gopal Kini HUF by its
Karta Janabai Gopal Kini

5 a). Manohar Atmaram Mhatre
of Kopri, Indian Inhabitant, residing
at Mhatre House, Kopri village,

Thane (East).

5 b). Mrs.Sulochna Ganesh Mhatre,
widow of Ganesh Atmaram Mhatre,
of Kopri, Indian Inhabitant, residing,
at Mhatre House, Kopri village
Thane (East)

5 c).Mrs.Vatsala Harishchandra Patil
of Mumbra, Indian Inhabitant,
residing at Mumbra, District Thane

5 d).Mrs.Pushpa Vilas Mhatre
of Kabadali, Indian Inhabitant,
residing at Kabadali, Thane.

6. Kunda Waman Kini,

all of Bombay, Indian Inhabitants
residing at Kini House,
Bhandup Village, Bhandup (E),
Bombay 400 078.

Respondents
(original plaintiff
nos.1,2,3, original
Defendant nos.4,
1(A), 1(B)).

Mr.S.A.Divan i/b. M/s.M. Jani & Co. for the appellants.

Mrs.U.K.Shah i/b. Mr.K.D.Shah for the respondents 1(a) to 1(f), 2 and 3.

Mr.Navin Parekh for the respondents 5 and 6.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 20th June 2005

ORAL JUDGMENT (Per R.M.Lodha,J.)

Heard.

2. The suit is of the year 1989. For almost 16 years the temporary injunction passed by this Court in the aforesaid suit is operating. The original defendants 2

and 3 are in appeal. We indicated to the learned counsel for the appellants that at this distance of time, the consideration of the matter for interim relief, if possible, must be avoided and the suit itself may be heard at an early date.

3. The learned counsel for the appellants was not averse to what we observed.

4. We are, thus, satisfied that the merits of the appeal need not be examined by us and it would be in the fitness of things, if suit no.3649/1989 is heard at an early date.

5. We, accordingly, maintain the order dated 29th March 1994. However, we request the learned trial Judge to hear and decide the suit no.3649/1989 expeditiously. Liberty to the appellants to apply to the learned trial Judge for fixing the date of hearing of the suit.

6. No costs.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)